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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181755
Party	Defendant BeauxKat Enterprises LLC
Correspondence Address	Justin D Park Romero Park & Wiggins 155 - 108th Avenue NE, Suite 202 Bellevue, WA 98004 UNITED STATES jpark@rpwfir.com, kkoback@rpwfir.com
Submission	Answer
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Date	02/15/2008
Attachments	Answer to Opposition.pdf (4 pages)(25756 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS)	
)	Mark: BLACK RAVEN BREWING COMPANY
Opposer)	Opposition No.: 91181755
v.)	Serial No.: 77223446
)	
BEAUXKAT ENTERPRISES LLC)	
)	
Applicant)	
)	

ANSWER TO OPPOSITION PURSUANT TO 15 U.S.C SECTION 1063

In the matter of Trademark application Serial no. 77223446 filed by Applicant, BeauxKat Enterprises, LLC (“Applicant”) for BLACK RAVEN BREWING COMPANY as a trademark for Beer, and published for opposition on December 18, 2007, COMES NOW Applicant and by and through its counsel of record, Justin D. Park of Romero Park & Wiggins P.S., does answer the Notice of Opposition of Franciscan Vineyards, Inc. (“Opposer”) as follows:

ANSWER

1. In response to Paragraph 1 of Opposer’s Notice of Opposition, Applicant admits that Opposer is the owner of certain marks, specifically those listed and registered by Opposer.
2. In response to Paragraph 2 of Opposer’s Notice of Opposition, Applicant denies that Opposer’s goods, specifically wine, are generally related to Applicant’s goods, specifically beer. With regard to the remaining allegations contained in Paragraph 2 of the Notice of Opposition, Applicant lacks sufficient information upon which to form an answer, and therefore denies.
3. In response to Paragraph 3 of Opposer’s Notice of Opposition, Applicant denies.
4. In response to Paragraph 4 of Opposer’s Notice of Opposition, Applicant admits that according to the registration information for Opposer’s marks, Opposer has had registered marks since the dates indicated in Paragraph 1. With regard to the

remaining allegations contained in Paragraph 4 of the Notice of Opposition, Applicant lacks sufficient information upon which to form a belief, and therefore denies.

5. In response to Paragraph 5 of Opposer's Notice of Opposition, Applicant lacks sufficient information upon which to form an answer, and therefore denies.
6. In response to Paragraph 6 of Opposer's Notice of Opposition, Applicant admits an intent to distribute and sell its goods, but denies that it will use the "same channels of trade as Opposer" and that Applicant's goods are directed to the same "ultimate consumer" as Opposer's goods.
7. In response to Paragraph 7 of Opposer's Notice of Opposition, Applicant denies.
8. In response to Paragraph 8 of Opposer's Notice of Opposition, Applicant admits that its goods are alcoholic beverages and that Applicant has not sought nor obtained permission from Opposer to use its mark. However, Applicant denies any implication of Paragraph 8 that Applicant is in any way required to seek or obtain permission of Opposer to use Applicant's mark.
9. In response to Paragraph 9 of Opposer's Notice of Opposition, Applicant admits that Opposer owns Opposer's marks, but denies all other allegations therein.
10. In response to Paragraph 10 of Opposer's Notice of Opposition, Applicant denies.
11. In response to Paragraph 11 of Opposer's Notice of Opposition, Applicant denies.

AFFIRMATIVE DEFENSES

Having fully answered the allegations of Opposer's Notice of Opposition, Applicant alleges affirmative defenses as follows:

1. Applicant reserves the right to identify affirmative defenses as warranted by the facts disclosed in discovery.

PRAYER FOR RELIEF

Having fully answered the Notice of Opposition and alleged Affirmative Defenses, Applicant prays for relief as follows:

1. For dismissal of the Notice of Opposition, with prejudice;
2. For registration of Applicant's mark, BLACK RAVEN BREWING COMPANY, on the Principal Register,

3. For such other and further relief as the Court deems appropriate, including, only if appropriate, and award of attorney fees and costs to Applicant.

DATED this 15th day of February, 2008.

ROMERO PARK & WIGGINS P.S.

/Justin D. Park/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Answer to Opposition Pursuant to 15 U.S.C Section 1063, in re Franciscan Vineyards, Inc. v. BeauxKat Enterprises LLC was forwarded by first class, postage pre-paid mail by depositing the same with the U.S. Postal Service on this 15th day of February, 2008 to the Opposer at the following address:

Stephen L. Baker
Baker & Rannells
575 Route 28, Suite 102
Raritan, NJ 08869

A copy of the same was sent via e-mail on this 15th day of February, 2008 to the Opposer at the following e-mail addresses:

officeactions@br-tmlaw.com
k.hnasko@br-tmlaw.com
n.friedman@br-tmlaw.com
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